REMARKS

In the final office action, the Office rejected claims 1-3, 7-27 and 31-33 under 35 U.S.C. §103(a), on as unpatentable over U.S. Patent No. 6,279,009 to Smirnov (Smirnov) in view of U.S. Patent No. 6,662,199 to Flight et al. (Flight).   As set forth in *MPEP §2142*, the Office bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations.

Applicants respectfully point to the final prong of the test, which states the prior art must teach all the claim limitations. At the very least for reasons presented below, Smirnov taken alone or in combination with Flight does not teach all of the claim limitations of independent claims 1 and 17 and therefore does not meet the standard of obviousness of those claims.

With respect to independent claims 1 and 17, the Office asserts that Smirnov teaches a system comprising a server (fig. 5) including a modeling module (model, column 10, lines 1-10, of the model, column 5, lines 20-35) that receives (note) modeling parameters (column 4, lines 16-45) from a remote print shop (remote manufacturing facilities, column 6, lines 24-30, column 9, lines 5-25); and executing a modeling program (column 10, lines 1-10) using the modeling parameters to generate model output data (workflow, column 10,lines 10-20), wherein the modeling program is configured to perform model hypothetical studies based on the model parameters (column 10, lines 10-45).

The Office further asserts that Smirnov teaches a model should be directly, continuously updated with information regarding the real world manufacturing environment, *e.g.*, as resources are taken off or added, column 5, lines 20-35, column 8, lines 20-32. Since the manufacturing environment of the remote print shop/manufacturer is located in the remote print shop/manufacturer, it would have been obvious that the update information is received from the remote print shop/manufacturer.

The Office admits that although Smirnov's invention is a computer being accessed by a print shop, and inherently, there are multiple print shops connected by the Internet, and inherently, a computer is capable of being accessed by prints shops connected by networks; Smirnov does not specifically teach his system is accessed by plurality of remote print shops.

However, the Office further asserts that the Flight reference is in the same area of a computer (fig. 4) accessed by a print shop (column 14, lines 45-50), and Flight discloses the computer helping the print shop in scheduling a work flow (column 13, lines 50.65, column 1, lines 25-40) and teaches that the computer is accessed by a plurality of print shops (column 7, lines 60-67), each with different modeling parameters (column 8, lines 1-10).

The Office concludes that since Smirnov's invention is directed to helping print shops scheduling different work flow, each by executing a modeling program using the modeling parameter for each particular work flow (140, 156, fig. 6), it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Smirnov to include: system is accessed by plurality of remote print shops, for each print shop, remotely executing a modeling program using the modeling parameters to generate model output data to increase profit by having more customers (print shops).

Applicants disagree given that independent claim 1 recites, *inter alia*, the features of "receiving modeling parameters from a plurality of remote print shops; and for each print shop, <u>remotely executing a modeling program using the modeling parameters to generate model output data, wherein the modeling program is configured to perform model hypothetical studies based on the modeling parameters</u>." Furthermore, independent claim 17 recites, *inter alia*, the features of "a server including a modeling module that receives modeling parameters from a plurality of remotely located print shops and generates model output data, <u>wherein the modeling module is configured to perform model hypothetical studies based on the modeling parameters</u>." (See Applicants' specification at paragraphs 13, 14 and 30.) Smirnov fails to teach or suggest these features. Smirnov only discloses making <u>real world</u> updates 138 to model 130 in order for a scheduler 132 to make workflow updates due to any <u>real world</u> changes in a single print shop environment. (See col. 10, lines 30-35 and FIG. 5 at 138). Smirnov teaches that model 130 is "… updated to accurately reflect the

real-world manufacturing environment, which it represents. Thus, as various operators take breaks or are replaced with new workers, and/or as machines are rotated in and out of service and/or as items in a particular bill of materials are completed or delayed due to equipment failure, model 130 is updated." Thus, Smirnov discloses a model that is "reactive" to real world circumstances and problems as they occur in real time and is silent to any teaching of utilizing a "proactive" modeling module (program) configured to perform hypothetical (what-if) studies based on modeling parameters, as presently claimed.

Furthermore, Flight may teach a plurality of remote print shops, but Flight does not overcome the deficiencies of Smirnov, as discussed above. Thus, for at least these reasons, it is respectfully submitted that the above statements reproduced from the final office action do not demonstrate where Smirnov in combination with Flight describes, either explicitly or inherently, every feature set forth in each of the independent claims 1 and 17, and hence also in the dependent claims. Absent such a showing, the pending Section 103 rejection is improper and should be withdrawn.

Furthermore, the subject matter set forth in Applicants' claims facilitates advantageous features not provided to a modeler utilizing the modified system of Smirnov in view of Flight to access modeling services which provides a significant savings to a print shop when compared to the capital expenditures required of dedicated modeling services. A centralized location for the server enables the capital expenditure of the system to be shared by several remotely located print shops who subscribe to the system, thereby drastically reducing the cost to each print shop and without degrading the quality of modeling services available to the subscribing print shops. Print shop managers may access the server which may be in communication with the equipment in their print shop and quickly determine the capacity of their print shop to handle new jobs. Over time, information about each remote print shop and the corresponding print jobs may be collected by the server and stored in a database. The collected information may then be used to analyze the mix of jobs performed by a remote print shop and the results of that analysis may be used to establish a more efficient print shop layout. Hence, the subject matter set forth in the pending claims defines a significant departure from the methods and system described in the combination of Smirnov and Flight.

Therefore, Applicants respectfully submit that independent claims 1 and 17 are allowable as discussed previously. Further, any claim that depends from an allowable claim is allowable as well. Thus, Applicants respectfully request that the rejection of dependent claims 2, 3, 7-16, 18-27 and 31-33 likewise be removed.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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